

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA
Minute Entry

Hearing Information:

Debtor: AHMAD WALI & EDYTA KAMILA MAILATYAR
Case Number: 2:17-BK-13538-DPC **Chapter:** 7
Date / Time / Room: WEDNESDAY, MARCH 25, 2020 11:00 AM 6TH FLOOR #603
Bankruptcy Judge: DANIEL P. COLLINS
Courtroom Clerk: RENEE BRYANT
Reporter / ECR: RENEE BRYANT

Matter:

EXPEDITED HEARING ON DEBTORS' REQUEST FOR HEARING RE: NOTICE OF ENFORCING HOMESTEAD EXEMPTION
R / M #: 0 / 0

Appearances:

AHMAD WALI MAILATYAR
EDYTA KAMILA MAILATYAR
ISAAC M. GABRIEL, ATTORNEY FOR TIMOTHY R. WRIGHT

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(continue)... 2:17-BK-13538-DPC

WEDNESDAY, MARCH 25, 2020 11:00 AM

Proceedings:

Mr. Mailatyar addresses the Court and states his position regarding the homestead exemption. He discusses the sale of the Venado and Journey Lane properties. Mr. Mailatyar states they are confused and explains why they are before the Court today. Mr. Mailatyar states they have always maintained that the New River property has been their homestead. He answers the Court's questions regarding the affidavit of homestead exemption. He discusses Casa Calasa with the Court. Mr. Mailatyar discusses the transfer of the Journey Lane property to Sara Mailatyar. Mr. Mailatyar informs the Court no deed was ever recorded and maintains he owns the Journey Lane property.

Mrs. Mailatyar states her concerns. She discusses the agreement made with Sara Mailatyar.

Mr Gabriel states his position. He answers the Court's questions regarding Casa Calasa and provides contact names. He states he does not feel this Court has jurisdiction and the matter should be handled in state Court.

EDYTA MAILATYAR is sworn in. Mrs. Mailatyar confirms everything she has stated on the record today is true.

AHMAD MAILATYAR is sworn in. Mr. Mailatyar confirms everything he has stated on the record today is true.

Mrs. Mailatyar states her position as to why she believes this Court has jurisdiction to resolve this issue on Journey Lane property.

Mr. Mailatyar states his position as to why he believes this Court has jurisdiction to resolve the issue on the Journey Lane property.

The Court and parties discuss the ruling entered on August 8, 2018.

COURT: THE COURT IS TROUBLED BY THE TESTIMONY GIVEN IN STATE COURT. THE COURT NOTES THE CHAPTER 7 CASE IS DISMISSED AND CLOSED. THE ISSUE BEFORE THE COURT IS WITHIN THE CAPABILITY AND JURISDICTION OF THE STATE COURT. THE COURT INDICATES THAT IT DOES NOT HAVE JURISDICTION AND WILL NOT TAKE ON JURISDICTION. THE COURT STATES THIS IS A STATE COURT ISSUE AND A MATTER FOR STATE COURT TO RESOLVE. THE COURT ASKS MR GABRIEL TO UPLOAD A FORM OF ORDER DENYING THE MAILATYARS' MOTION ON THE GROUNDS STATED IN HIS PLEADING. THE COURT WILL SIGN AN ORDER WHEN SUBMITTED BY MR. GABRIEL.